



CITY OF MEMPHIS

COUNCIL AGENDA

June 2, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 19, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Justin Johnson on acquiring Eagle Scout status.

Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing the graduates of First Serve Memphis.

Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION approving a special use permit located on the southeast corner of Mississippi Boulevard and Oakland Avenue, containing 1.668 acres (72,658 sq. ft.) in the Single-Family Residential (R-S6) District.

Morrison

Case No. SUP 09-204

Applicant: Rev. Kenneth S. Robinson, St. Andrews AME Church

Request: Day Care Center

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

4. **ORDINANCE** rezoning the southwest corner of Raines Road and Graceland Street, containing 0.112 acre in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5315

Case No. Z 09-101

Applicant: Shelby County Government
Tom Moss, Shelby County Real Estate Office – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

40 NOTICES WERE MAILED ON MAY 22, 2009



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

5. **ORDINANCE** to amend previous Ordinance 4388, codified as City Code, Article 6, Section 2-331(a), to extend the sunset clause set forth therein until June 30, 2010, up for S E C O N D reading.

Flinn

Ordinance No. 5316

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **ORDINANCE** to amend Chapter 21, Article IX, Code of Ordinances, City of Memphis, as to update regulations for the Inspection of Motor Vehicles, up for S E C O N D reading.

Brown

Ordinance No. 5317

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** to amend Cable Franchise Ordinance No.4159, extending the Franchise Ordinance, as amended, through October 6, 2009, up for S E C O N D reading.

Boyd

Ordinance No. 5318

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

8. **RESOLUTION** canceling the standard improvement contract for BEACON RIDGE PD SEWER EXTENSION, and authorizing release of bond.

(Contract No. CR-5080)

Resolution cancels the standard improvement contract located east of Hacks Cross Road, south of Holmes Road. The standard improvement contract was approved on July 10, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$661,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION canceling the standard improvement contract for BEACON RIDGE PD, PHASE 1, and authorizing release of bond.

Case No. PD 06-350cc
(Contract No. CR-5077)

Resolution cancels the improvement and the dedication of public streets and easements as shown on the final plat located to the east of Hacks Cross Road, south of Holmes Road. The standard improvement contract was approved on June 19, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$63,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION canceling the standard improvement contract for COUNTRYSIDE CENTER C-P PHASE 4, and authorizing release of bond.

Case No. Z 88-124
(Contract No. CR-4720)

Resolution cancels the improvement and the dedication of public streets and easements as shown on the final plat located on the east side of Van Leer Drive, south of U.S. Highway 64. The standard improvement contract was approved. Resolution also authorizes the release of the Letter of Credit (No.) performance bond in the amount of \$76,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting RUBY OAKS SUBDIVISION, and authorizing release of bond.

Case No. S 07-041
(Contract No. CR-5108)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Hernando Road and Alcy Road. The standard improvement contract was approved on May 20, 2008. Resolution also authorizes the release of the certificate of deposit in the amount of \$66,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting TULIP CREEK SEWER EXTENSION, and authorizing release of bond.

(Contract No. CR-4931)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Covington Pike, 140.82 feet north of Mandy Smith Drive. The standard improvement contract was approved on April 19, 2005. Resolution also authorizes the release of the performance bond in the amount of \$405,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION accepting CARLYLE PLACE II, P.D., and authorizing release of bond.
Case No. PD 03-365cc
(Contract No. CR-4920)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Pisgah Road, north of Bloomsbury Avenue. The standard improvement contract was approved on August 16, 2005. Resolution also authorizes the release of the Letters of Credit in the amount of \$15,000.00 and \$195,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting ST. STEPHENS BAPTIST CHURCH SEWER EXTENSION, and authorizing release of bond.

(Contract No. CR-5016)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Singleton Pkwy. and Egypt Central Road. The standard improvement contract was approved on June 6, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$105,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)

GENERAL ITEM

15. RESOLUTION encouraging President Obama to honor Ridgeway High School for being designated as an International Baccalaureate School.

Fullilove

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

16. RESOLUTION awarding Contract No. 11298, Mainframe Tape Back-Up Replacement, to Fujitsu in the funded amount of \$402,433.20.
17. RESOLUTION awarding Contract No. 11311, McCord Water Production Wells, to Layne Christensen Company, Inc. in the funded amount of \$1,121,375.00.
18. RESOLUTION awarding Contract No. 11325, North Community Office HVAC Replacement, to EB Construction Company, Inc. in the funded amount of \$271,438.00.
19. RESOLUTION awarding Contract No. 11361, Shoring at 100 Gayoso Avenue/Network Vault #2147, to Chris-Hill Construction Company in the funded amount of \$38,500.00.
20. RESOLUTION awarding contract for natural gas odorant (Mercaptan) to Tri-State Meter & Regulator Service, Inc. in the amount of \$56,810.00.
21. RESOLUTION awarding contract for aerator coke rock for the Allen Pumping Station to Guthrie Sales and Services Company in the amount of \$38,583.00.
22. RESOLUTION awarding 12-month contract for lamps to Universal Scaffolding and Equipment, LLC, in the amount of \$380,352.00.
23. RESOLUTION approving payment of annual subscription fee to the Drinking Water Research Program at the American Water Works Association Research Foundation in the amount of \$50,000.00.
24. RESOLUTION approving Change No. 1 to Contract No. 11032, Pipeline Integrity Management ECDA Inspections, with GE Energy, PII North America, Inc., in the funded amount of \$349,200.00. (This change is to increase the contract value for overages that were not included in the original award and to complete inspections of the remaining miles as outlined in the contract).
25. RESOLUTION approving Contract No. 00074295 between MLGW and TVA to help support industrial recruitment, development and expansion of business and industry in the Memphis/Shelby County area, whereby MLGW will make payment to the Greater Memphis Chamber in the amount of \$80,000.00, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives. TVA will reimburse MLGW in the amount of \$40,000.00.

26. RESOLUTION approving contract with the Greater Memphis Chamber in the amount of \$175,000.00 for the 2009 commitment to Memphis 2005 Economic Development Strategic Plan, and its successor, the Memphis ED Plan, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives.



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REGULAR AGENDA

27.
Flinn

APPOINTMENTS

Memphis and Shelby County Center City Revenue Finance Corporation Board

Appointment

Robert L. J. Spence, Jr.

Public Art Oversight Committee

Appointment

Marc Willis

Reappointment

Sandra H. Burke

GENERAL ORDINANCE – THIRD AND FINAL READING

28.

ORDINANCE to amend Chapter 33, Code of Ordinances, so as to increase the Volumetric Sewer Fee from 95.8 cents per 1000 gallons to 105.3 cents per 1000 gallons, up for T H I R D and F I N A L reading.

Boyd

Ordinance No. 5312

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

(None)

EXECUTIVE DIVISION

29.

RESOLUTION accepting grant funds in the amount of \$26,250.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Statewide Activities Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting grant funds in the amount of \$52,500.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Statewide Activities Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

31. INITIAL RESOLUTION authorizing the execution and delivery of a second supplement to the amended and restated Interlocal Agreement dated May 15, 2002 as supplemented August 10, 2004 to effect the refinancing of the Memphis Arena Project to be refinanced by Memphis and Shelby County Sports Authority, Inc.

Halbert

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

32. RESOLUTION to accept and appropriate \$16,500.00 in Misc. Revenue from Drexel Chemical Company for the purchase of foam for the Division of Fire Services for a total appropriation of \$16,500.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$979,200.00 in In-Service Training Grant funds from the State of Tennessee for the Division of Fire Services for a total appropriation of \$979,200.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

34. RESOLUTION including Botanic Garden Improvement, CIP Project Number PK08004, as part of the FY 2009 Capital Improvement Program. The resolution seeks to appropriate \$440,000.00 in Construction, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION including Tennis Improvements, CIP Project Number PK03001, as part of the FY 2009 Capital Improvement Program. The resolution seeks to appropriate \$280,000.00 in Construction, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating \$121,933.00 for paving improvements at McFarland and Charles E. Powell Community Centers in Paving Improvements Major Maintenance, CIP Project Number PK12005, Contract Construction, funded by G.O. Bonds General and chargeable to the Fiscal Year 2009 Capital Improvement Budget.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

37. RESOLUTION approving an honorary street name change of Mt. Moriah Road between Truse Parkway and Poplar for Don DeWeese.

Conrad

38. RESOLUTION authorizing the execution and delivery of not to exceed \$20,000,000.00 of short term (not exceeding (12) months) Gas System Revenue Anticipation Notes of the City of Memphis for the benefit of the Memphis Light, Gas and Water Division to provide funds in anticipation of the collection of revenues from the City's Gas System, to purchase natural gas, including storage costs and pipeline capacity costs as permitted by § 7-34-111(d) of Tennessee Code Annotated; fixing the terms of said notes; authorizing and approving the execution and delivery of the notes and other documents to effectuate the financing; authorizing the sale of the notes to the purchasers; designating the paying agent and registration agent and authorizing certain other acts in connection with the execution and delivery of said notes.

Ware

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION requesting that the Division of Planning and Development/Construction Code Enforcement issue no permit for demolition in Overton Square without approval by the Memphis City Council.

Flinn

ACTION REQUESTED: Adopt the resolution

40. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for F I R ST reading.

Consent

Ordinance No. 5319

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. and 4 - Held to July 7, 2009
5. Through 40 – Approved

ACTION TAKEN ON THE MINUTES OF MAY 19, 2009

Approved, as amended. Councilman Morrison made a motion to pull Item #6 (pay day loan located on Summer Avenue) from the Minutes for reconsideration

ACTION TAKEN ON THE MINUTES OF JUNE 2, 2009 FOR ITEMS 19, 31, 38 & 39 ONLY:

Approved. Set up as Special Item #5